

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES FIDELITY AND
GUARANTY COMPANY,

Plaintiff,

v.

PAUL A. BORDIERI and ANDREA
J. COSTA, Trustees of JACKSON
CONSTRUCTION COMPANY,
a Massachusetts Business Trust,
PAUL A. BORDIERI, Individually

Defendants,

and

SOVEREIGN BANK, NA,
APPLETON PARTNERS, INC. and
CAMBRIDGE APPLETON TRUST, NA,

Trustee Process Defendants.

C.A. No. 05-11397 NMG

JOINT MOTION FOR ENTRY OF SECOND INTERIM ORDER

The Plaintiff, United States Fidelity and Guaranty Company ("USF&G") and the Defendants, Jackson Construction Company ("Jackson") and Paul A. Bordieri ("Bordieri"), (collectively referred to herein at times as the "Parties") hereby request that the Court enter the Second Interim Order attached as Exhibit A regarding the immediate transfer by Bordieri of a portion of the Attached Funds referenced in this Court's Order of July 27, 2005. In support of this motion, the Parties state as follows:

1. The parties agree it is in their mutual best interest to make certain payments to subcontractors and suppliers with respect to the Lowell Project, one of Jackson's bonded

Joint motion allowed. JAM/Gordon, USDJ 8/10/05

projects, in the amount of \$535, 816.31. This amount equals the balance (after distribution of the funds referenced in the first Interim Order) of the \$1.0 million of the attached Appleton Partners funds which the Court directed be transferred to an account for use on bonded projects. A list of the subcontractors and suppliers to which payments are to be made, and the amounts of those payments, is attached to the proposed order submitted with this motion.

2. The Parties are in discussions regarding both the resolution of the various disputes and claims pending between them and the completion of the bonded projects. Those discussions include the terms under which the remainder of the Appleton Funds (\$884,143.64) subject to the Court's order of July 27, 2005 will be held. These discussions may resolve or limit the scope of this litigation.

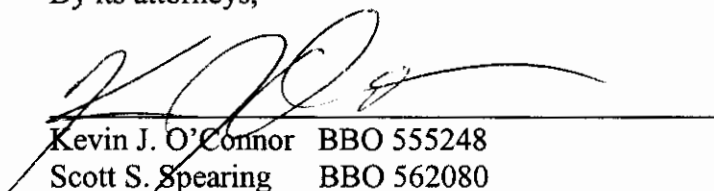
3. A meeting of the Parties is scheduled for Thursday, August 11, 2005 to continue these discussions.

4. To allow both time for the above settlement discussions and for progress to continue in the completion of the Lowell Project, the Parties hereby request that the Court:

- a. enter the attached Second Interim Order;
- b. extend the time within which the Parties are to submit a joint order or competing proposed orders regarding the remainder of the attached funds until August 16, 2005; and
- c. grant such other and further relief as is just and appropriate.

UNITED STATES FIDELITY AND GUARANTY
COMPANY,

By its attorneys,

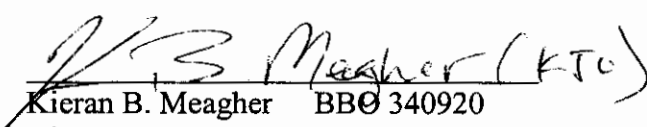


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PAUL A. BORDIERI and ANDREA J. COSTA,
Trustees of JACKSON CONSTRUCTION
COMPANY a Massachusetts Business Trust, and
PAUL A. BORDIERI, Individually,

By their attorney,



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Dated: August 10, 2005

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I hereby certify that a true copy of the above document
was served upon ~~each party appearing PRO SE~~ and
the attorney of record for each other party by mail (by
hand) on August 10, 2005.